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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,971	02/17/2004	Tadao Hashimoto	13195Z	9122

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EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,971

Applicant(s)

HASHIMOTO, TADAO

Examiner

Sonny TRINH

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/17/04 Interview Summary on 02/03/06.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the Interview summary 02/03/06. Claims 1-15 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-2, 6-7, 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen (U.S. Patent Number 5,966,378).

Regarding claim 1, Hamalainen discloses a mobile station including means for performing carrier sensing of a communication frequency designated by a base station and a reception slot; and means for performing carrier sensing of a transmission slot prior to transmission of a signal to avoid collision wherein if the transmission slot is in use, the mobile station requests a different transmission slot assignment and a signal that was already in transit in said transmission slot is not stopped (column 3 lines 7-67). Furthermore, Hamalainen discloses the system using a time division multiple access time division duplex system (column 1 line 14 to column 2 line 32).

Hamalainen does not disclose that the mobile station is a personal handy phone system. However, personal handy phone system is well known system and would have been obvious and well within the level of a person of ordinary skill in the art at the time

the invention was made to modify the system of Hamalainen to include the personal Handy Phone system in order to be utilized in digital data communication and also taking advantage of the characteristics of a portable telephone and a home cordless telephone.

Regarding **claim 2**, it is obvious that once the mobile station detects that the slots are available, it initiates communication (see also column 3 line 14-67).

Regarding **claims 6-7**, these claims merely reflect the method claims as opposed to the apparatus claim of claims 1-2 and are therefore rejected for the same reasons.

Regarding **claims 11-12**, these claims merely claim the mobile station as opposed to the apparatus claim of claims 1-2 and are therefore rejected for the same reasons.

2. **Claims 3, 8, 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen (U.S. Patent Number 5,966,378) in view of Maxemchuk ("Maxemchuk"; Patent No. 6,219,346).

Regarding **claim 3**, Hamalainen discloses the invention, including the means for initiating communication when non use is judged in both carrier sensing as shown in claim 2 above. However, Hamalainen does not explicitly disclose the sensing of the electrical field level as judgment condition. In an analogous art, Maxemchuk discloses the packet switching architecture in cellular radio, furthermore, Maxemchuk further discloses the sensing of the electrical field level as judgment condition ("...Identifying the presence of a collision condition requires that a unit detect the presence of a signal

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from another unit...", column 6, starting from line 32). Therefore, it would have been obvious for a person skilled in the art, at the time the invention was made to use, within the system of Hamalainen, the sensing of the electrical field level as judgment condition, as taught by Maxemchuk in order to determine whether or not there is other transmission before starting the communication to avoid collision by waiting for in-activities from nearby stations.

Regarding **claim 8**, this claim merely reflects the method claim as opposed to the apparatus claim of claim 3 and is therefore rejected for the same reasons.

Regarding **claim 13**, this claim merely claim the mobile station as opposed to the apparatus claim of claim 3 and is therefore rejected for the same reasons.

3. **Claims 4-5, 9-10, 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen in view of Maxemchuk and in further view of Chapman et al. (Chapman; Patent No. 4,775,995).

Regarding **claims 4-5**, the combination of Hamalainen and Maxemchuk discloses all the limitations as specified in claim (claims 4-5 include all the limitations of claim 3, these limitations are therefore rejected for the same reasons as given in the rejection of claim 3 above). However, the combination does not disclose the setting means for modifying and setting the reception field level of claim 4 nor the setting means is provided individually to perform carrier sensing on each of said electric field level.

In an analogous art, Chapman teaches a method to provide an arrangement for adaptively controlling the amount of adjacent channel interference. Chapman further teaches the setting means for modifying and setting the reception field level for the mobile station to adapt to the electrical conditions (column 2 line 46 to column 3 line 22).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Hamalainen and Maxemchuk, the monitoring and adjusting of the reception field level, as taught by Chapman to adaptively controlling the amount of interference by adjusting the reception field level (taught by Chapman in the cited passage).

Regarding **claims 9-10**, these claims merely reflect the method claims as opposed to the apparatus claim of claims 4-5 and are therefore rejected for the same reasons.

Regarding **claims 14-15**, these claims merely claim the mobile station as opposed to the apparatus claim of claims 4-5 and are therefore rejected for the same reasons.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward URBAN can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SONNY TRINH

4/24/06

PRIMARY EXAMINER